

following my comments you will find the 'canned' message that all concerned citizens are sending you in opposition to the 'Broadcast Flag'.

The thing that made the United States the great nation that it is was and is the honor that most American have in dealing fairly with the copyrighted and patented items that we have.

The broadcast flag in effect is saying 'all americans are dishonest and theives'.

An Englishman once visited our nation. Upon his leaving the jorunalists asked him why he had visited America. He answered.

I wanted to see for myself why America is the great land that it is. When asked if he had found out what he wanted to learn, he answered:

I visited your factories thinking that they might be why America is so great. But I did not find the answer there.

I then visited your farms, your ubran areas, your cities and towns and still couldnt not understand why you are so great.

I then decided to visit your seats of government, local, city, state and federal and still cound not understand your greatness.

It was not until I visited your churches, your synagoues <sp>, your temples etec. that I finally understood why America is such a great land.

America is great because it is good; when America stops being good, it will cease to be great.

I believe that most Americans are still Good and to place the broadcast flag or other items into consumer goods is a slap in the face of America's greatness.

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Now, the canned msg.

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag. I enjoy the flexibility and control that technology gives me. I can be more than a passive recipient of content; I can modify, create and participate. Technology currently gives me more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did not. (Sony did not own a movie studio at the time.) Diamond Multimedia invented the MP3 player -- a recording label did not. Unfortunately, the broadcast flag has the potential to put an end to that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by

default unauthorized. If we allow the content industry to "lock in" the definition of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all consumers rather than enable those who would restrict consumer rights. In the case of the broadcast flag, it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only to be cracked once, and it will propagate rapidly across the Internet. So, while I may be required to purchase consumer electronic devices that cost more and allow me to do less, piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.